

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

LISA STRICKLER,

Plaintiff,

v.

PROGRESSIVE FINANCE
HOLDINGS, INC.,

Defendant.

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No. 4 : 15 - cv - 152

PLAINTIFF'S COMPLAINT

LISA STRICKLER (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against PROGRESSIVE FINANCE HOLDINGS, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this Court over Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331.

3. Because Defendant conducts business in the State of Texas, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in Lewisville, Texas.

6. Plaintiff is informed, believes, and thereon alleges, that Defendant is a national company with a business office in Draper, Utah.

7. Defendant acted through its agents, employees, officers, members, directors, heirs,

successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. In or around 2014, Defendant began constantly and consistently placing telephone calls to plaintiff in an attempt to collect a debt an alleged debt.

9. Defendant places telephone calls to Plaintiff on Plaintiff's cellular telephone at 214-546-14XX.

10. Defendant places telephone calls from numbers including, but not limited to, 801-736-8445, 877-593-1169, 385-351-1351, 844-292-2631, 855-436-0256, 855-244-9625, 855-323-9805, and 855-402-3797.

11. Based upon the timing and frequency of Defendant's calls and per its prior business practices, each collection call placed by Defendant to Plaintiff was placed using an automatic telephone dialing system.

12. In or around April of 2014, Plaintiff called Defendant and spoke to Defendant's representative.

13. During the course of the telephone conversation in or around April 2014, Plaintiff informed Defendant's male representative that she could not pay the alleged debt due to a serious medical issue.

14. On or around July 18, 2014, Plaintiff again called Defendant and spoke to Defendant's male representative.

15. In the course of the conversation on or around July 18, 2014, Plaintiff again informed defendant that she could not pay the alleged debt due to a serious medical issue and requested that Defendant cease calling her cellular telephone.

16. Plaintiff revoked any consent, either explicitly or implicitly, to receive automated telephone calls from Defendant on her cellular telephone on or around July 18, 2014.

17. Despite Plaintiff's request to cease, Defendant placed at least four hundred and fifty

(450) collection calls to Plaintiff, including up to sixty-four (64) calls in a single day.

COUNT I

DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

18. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).
19. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

20. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
21. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
22. All court costs, witness fees and other fees incurred; and
23. Any other relief that this Honorable Court deems appropriate.

Dated: March 6, 2015

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Ryan Lee

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS)

Plaintiff, LISA STRICKLER, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s) named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, LISA STRICKLER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

12/30/14
Date


LISA STRICKLER